

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

11 ANTHONY BRUMFIELD, } Case No. CV 09-0108-MMM (JEM)  
12 Petitioner, }  
13 v. } ORDER ADOPTING FINDINGS,  
14 ANTHONY HEDGEPETH, Warden, } CONCLUSIONS, AND  
15 Respondent. } RECOMMENDATIONS OF UNITED STATES  
 } MAGISTRATE JUDGE

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17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the pleadings, all the records and  
18 files herein, and the Report and Recommendation of the United States Magistrate Judge. The  
19 time for filing Objections to the Report and Recommendation has expired, and no Objections  
20 have been filed. The Court concurs with and adopts the findings, conclusions, and  
21 recommendations of the Magistrate Judge.

22 IT IS HEREBY ORDERED that Respondent's Motion to Dismiss be DENIED.

23 IT IS FURTHER ORDERED that Petitioner's request for leave to file a First Amended  
24 Petition be GRANTED. Petitioner shall file a First Amended Petition amending Claim 3 within  
25 thirty (30) days of the date of this Order. Respondent may file an Answer to the First Amended  
26 Petition within thirty (30) days of the date the First Amended Petition is filed. Petitioner may  
27 file a single Reply responding to matters raised in the Answer within thirty (30) days of the date  
28 the Answer is filed and served. Unless otherwise ordered by the Court, this case shall be  
deemed submitted on the day following the date Petitioner's Reply to the Answer is due.

1 IT IS SO ORDERED.  
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3 DATED: June 15, 2010  
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MARGARET M. MORROW  
UNITED STATES DISTRICT JUDGE